



DIGEST OF SB 553 (Updated March 20, 2007 11:47 am - DI 114)

Citations Affected: IC 23-1; IC 23-4; IC 23-16; IC 23-17; IC 23-18.

Synopsis: Secretary of state fees. Decreases certain filing fees charged by the secretary of state, if a document is filed electronically.

Effective: Upon passage.

Drozda

(HOUSE SPONSORS — SMITH V, HINKLE)

January 23, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

February 22, 2007, amended, reported favorably — Do Pass.
February 26, 2007, read second time, ordered engrossed. Engrossed.
February 27, 2007, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

March 6, 2007, read first time and referred to Committee on Technology, Research and Development.
March 20, 2007, reported — Do Pass.











First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in this style type, and deletions will appear in this style type.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or *this style type* reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 553

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 23-1-18-3 IS AMENDED TO READ AS

2	FOLLOV	WS [EFFECTIVE UPON PASSAGE]: Sec.	3. (a) Except as
3	provide	d in subsection (e), the secretary of state	shall collect the
4	followin	g fees when the documents described in th	is subsection are
5	delivered	d to the secretary of state for filing:	
6		Document	Fee
7	(1)	Articles of incorporation	\$90
8	(2)	Application for use of	
9		indistinguishable name	\$20
10	(3)	Application for reserved name	\$20
11	(4)	Application for renewal of reservation	\$20
12	(5)	Notice of transfer of reserved name	\$20
13	(6)	Application for registered	
14		name	\$30
15	(7)	Application for renewal of	
16		registered name	\$30
17	(8)	Corporation's statement of change	

ES 553-LS 7740/DI 114+



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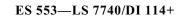
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1		of registered agent or registered	
2		office or both	No Fee
3	(9)	Agent's statement of change of	
4	. ,	registered office for each	
5		affected corporation	No Fee
6	(10)	Agent's statement of	
7		resignation	No Fee
8	(11)	Amendment of articles of	
9		incorporation	\$30
10	(12)	Restatement of articles of	
11		incorporation	\$30
12		With amendment of articles	\$30
13	(13)	Articles of merger or share	
14		exchange	
15	(14)	Articles of dissolution	\$30
16	(15)	Articles of revocation of	
17		dissolution	\$30
18	(16)	Certificate of administrative	
19		dissolution	No Fee
20	(17)	Application for reinstatement	
21		following administrative	
22		dissolution	
23	(18)	Certificate of reinstatement	
24	(19)	Certificate of judicial dissolution	No Fee
25	(20)	Application for certificate of	
26		authority	\$90
27	(21)	Application for amended certificate	V
28	(==)	of authority	\$30
29	(22)	Application for certificate of	
30	(22)	withdrawal	\$30
31	(23)	Certificate of revocation of	
32	(2.1)	authority to transact business	No Fee
33	(24)	Biennial report filed in writing,	420
34	(25)	including by facsimile	\$30
35	(25)	Biennial report filed by	020
36	(26)	electronic medium	
37	(26)	Articles of correction	\$30
38	(27)	Application for certificate of	¢15
39 40	(20)	existence or authorization	\$15
40 41	(28)	Any other document required or	
41		permitted to be filed by this article, including an application	
7∠		article, including an application	





1	for any other certificates or	
2	certification certificate (except	
3	for any such other certificates	
4	that the secretary of state may	
5	determine to issue without	
6	additional fee in connection with	
7	particular filings) and a request	
8	for other facts of record under	
9	section 9(b)(6) of this chapter \$30	
10	(b) The fee set forth in subsection (a)(24) for filing a biennial report	
11	is:	
12	(1) fifteen dollars (\$15) per year, for a filing in writing, including	
13	facsimile; and	
14	(2) ten dollars (\$10) per year, for a filing by electronic medium;	
15	to be paid biennially.	
16	(c) The secretary of state shall collect a fee of ten dollars (\$10) each	
17	time process is served on the secretary of state under this article. If the	
18	party to a proceeding causing service of process prevails in the	
19	proceeding, then that party is entitled to recover this fee as costs from	
20	the nonprevailing party.	
21	(d) The secretary of state shall collect the following fees for copying	
22	and certifying the copy of any filed document relating to a domestic or	0
23	foreign corporation:	
24	(1) Per page for copying \$ 1	_
25	(2) For a certification stamp\$15	
26	(e) If document described in subsection (a)(1) or (a)(20) is filed	
27	by electronic means as prescribed by the secretary of state, the	
28	secretary of state shall collect a filing fee of seventy-five dollars	v
29	(\$75).	
30	SECTION 2. IC 23-4-1-45 IS AMENDED TO READ AS	
31	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 45. (a) To qualify	
32	as a limited liability partnership, a partnership under this chapter must	
33	do the following:	
34	(1) File a registration with the secretary of state in a form	
35	determined by the secretary of state that satisfies the following:	
36	(A) Is signed by one (1) or more partners authorized to sign	
37	the registration. A signature on a document under this clause	
38	that is transmitted and filed electronically is sufficient if the	
39	person transmitting and filing the document:	
40	(i) has the intent to file the document as evidenced by a	
41	symbol executed or adopted by a party with present	
42	intention to authenticate the filing; and	



1	(ii) enters the filing party's name on the electronic form in a	
2	signature box or other place indicated by the secretary of	
3	state.	
4	(B) States the name of the limited liability partnership, which	
5	must:	
6	(i) contain the words "Limited Liability Partnership" or the	
7	abbreviation "L.L.P." or "LLP" as the last words or letters of	
8	the name; and	
9	(ii) be distinguishable upon the records of the secretary of	
10	state from the name of a limited liability partnership or other	
11	business entity registered to transact business in Indiana.	
12	(C) States the address of the partnership's principal office.	
13	(D) States the name of the partnership's registered agent and	
14	the address of the partnership's registered office for service of	
15	process as required to be maintained by section 50 of this	
16	chapter.	
17	(E) Contains a brief statement of the business in which the	
18	partnership engages.	
19	(F) States any other matters that the partnership determines to	
20	include.	
21	(G) States that the filing of the registration is evidence of the	
22	partnership's intention to act as a limited liability partnership.	
23	(2) Except as provided in subdivision (3), file a ninety dollar	
24	(\$90) registration fee with the registration.	
25	(3) If the registration required under subdivision (1) is filed	
26	electronically, file a filing fee of seventy-five dollars (\$75).	
27	(b) The secretary of state shall grant limited liability partnership	
28	status to any partnership that submits a completed registration with the	
29	required fee.	
30	(c) Registration is effective and a partnership becomes a limited	
31	liability partnership on the date a registration is filed with the secretary	
32	of state or at any later date or time specified in the registration. The	
33	registration remains effective until it is voluntarily withdrawn by filing	
34	with the secretary of state a written withdrawal notice under section	
35	45.2 of this chapter.	
36	(d) The status of a partnership as a limited liability partnership and	
37	the liability of a partner of a limited liability partnership is not	
38	adversely affected by errors or subsequent changes in the information	
39	stated in a registration under subsection (a).	
40	(e) A registration on file with the secretary of state is notice that the	
41	partnership is a limited liability partnership and is notice of all other	



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facts set forth in the registration.

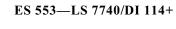
1	SECTION 3. IC 23-4-1-49 IS AMENDED TO READ AS
2	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 49. (a) Before
3	transacting business in this state, a foreign limited liability partnership
4	shall do the following:
5	(1) Comply with any statutory or administrative registration or
6	filing requirements governing the specific type of business in
7	which the partnership is engaged.
8	(2) File a registration with the secretary of state in a form
9	determined by the secretary of state that satisfies the following:
10	(A) Is signed at least by one (1) partner authorized to sign the
11	registration. A signature of an authorized partner on a
12	document under this clause that is transmitted and filed
13	electronically is sufficient if the authorized partner
14	transmitting and filing the document:
15	(i) has the intent to file the document as evidenced by a
16	symbol executed or adopted by a party with present
17	intention to authenticate the filing; and
18	(ii) enters the filing party's name on the electronic form in a
19	signature box or other place indicated by the secretary of
20	state.
21	(B) States the name of the limited liability partnership which
22	must contain the words "Limited Liability Partnership" or the
23	abbreviation "L.L.P." or "LLP" or other similar words or
24	abbreviations as may be required or authorized by the laws of
25	the jurisdiction where the partnership is registered as the last
26	words or letters of the name.
27	(C) States the jurisdiction in which the partnership is
28	registered as a limited liability partnership.
29	(D) States the address of the partnership's principal office.
30	(E) States the name of the partnership's registered agent and
31	the address of the partnership's registered office for service of
32	process as required to be maintained by section 50 of this
33	chapter.
34	(F) Contains a brief statement of the business in which the
35	partnership engages.
36	(G) States any other matters that the partnership determines to
37	include.
38	(H) States that the filing of the registration is evidence of the
39	partnership's intention to act as a limited liability partnership.
40	(3) Except as provided in subdivision (4), file a ninety dollar
41	(\$90) registration fee with the registration.
42	(4) If the registration required under subdivision (2) is filed



1	electronically, file a filing fee of seventy-five dollars (\$75).	
2	(b) The secretary of state shall permit a foreign limited liability	
3	partnership that:	
4	(1) submits a completed registration;	
5	(2) submits the fees required ninety dollars (\$90) under	
6	subsection (a); and	
7	(3) otherwise complies with this chapter;	
8	to transact business in the state. A registration remains effective until	
9	the registration is voluntarily withdrawn under section 45.2 of this	
10	chapter.	
11	(c) The internal affairs of foreign limited liability partnerships,	
12	including the liability of partners for debts, obligations, and liabilities	
13	of or chargeable to the partnership or a partner or partners, are subject	
14	to and governed by the laws of the jurisdiction in which the foreign	
15	limited liability partnership is registered.	
16	SECTION 4. IC 23-16-12-4 IS AMENDED TO READ AS	
17	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) Except as	U
18	provided in subsection (d), the secretary of state shall collect the	
19	following fees when the documents described in this section are	
20	delivered by a domestic or foreign limited partnership or a foreign	
21	limited liability company to the secretary of state for filing:	
22	Document Fee	
23	(1) Application for reservation of name	
24	(2) Application for use of indistinguishable name \$20	_
25	(3) Application for renewal of reservation \$20	
26	(4) Notice of transfer of reserved name	
27	(5) Application of registered name	
28	(6) Application for renewal of registered name \$30	Y
29	(7) Certificate of change of registered agent's	
30	business address No fee	
31	(8) Certificate of resignation of agent No fee	
32	(9) Certificate of limited partnership \$90	
33	(10) Certificate of amendment	
34	(11) Certificate of cancellation\$90	
35	(12) Restated certificate of limited partnership	
36	or registration	
37	(13) Restated certificate of limited partnership	
38	or registration with amendments\$30	
39	(14) Application for registration	
40	(15) Certificate of change of application \$30	
11	(16) Certificate of cancellation of	
12	registration\$30	

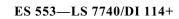


1	(17)	Certificate of change of registered agent	No fee	
2	(18)	Application for certificate of existence or		
3	auth	orization	\$15	
4	(19)	Any other document required or permitted to	be	
5	filed	under this article, including an application		
6	for a	ny other certificates or certification		
7	certi	ficate (except for any such other certificates		
8	that	the secretary of state may determine to issue		
9	with	out additional fee in connection with particula	ır	
10	filing	gs)	\$30	
11	(b) Th	e secretary of state shall collect a fee of ten dol	lars (\$10) each	
12	time proc	ess is served on the secretary of state under thi	s article. If the	
13	party to	a proceeding causing service of process p	revails in the	
14	proceedin	ng, then that party is entitled to recover this fee	e as costs from	
15	the nonpi	evailing party.		
16	(c) Th	e secretary of state shall collect the following fe	ees for copying	
17	and certif	fying the copy of any filed document relating to	a domestic or	U
18	foreign li	mited partnership:		
19	(1)	Per page for copying	\$ 1	
20	(2)	For a certification stamp	\$15	
21	(d) If	the document described in subsection (a)(9) or (a)(14) is	
22	filed by	electronic means as prescribed by the secre	etary of state,	
23	the secre	tary of state shall collect a filing fee of seven	ty-five dollars	
24	(\$75).		•	_
25		ION 5. IC 23-17-29-3 IS AMENDED TO		
26		VS [EFFECTIVE UPON PASSAGE]: Sec. 3.	· · · · · · · · · · · · · · · · · · ·	
27	_	I in subsection (d), the secretary of state sh		
28	following	g fees when the following documents are deliv	=	y
29		DOCUMENT	FEE	
30	(1)	Articles of Incorporation	\$30	
31	(2)	Application for use of		
32		indistinguishable name	\$20	
33	(3)	Application for reserved name	\$20	
34	(4)	Notice of transfer of reserved name	\$20	
35	(5)	Application for renewal of reservation	\$20	
36	(6)	Application for registered name	\$30	
37	(7)	Application for renewal of		
38		registered name	\$30	
39	(8)	Corporation's statement of change		
40		of registered agent or registered	2	
41	/0:	office or both	no fee	
42	(9)	Agent's statement of change of		



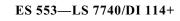


1	registered office for each		
2	affected corporation	no fee	
3	(10) Agent's statement of resignation	no fee	
4	(11) Amendment of articles of		
5	incorporation	\$30	
6	(12) Restatement of articles of		
7	incorporation with amendments	\$30	
8	(13) Articles of merger	\$30	
9	(14) Articles of dissolution	\$30	_
10	(15) Articles of revocation of		
11	dissolution	\$30	
12	(16) Certificate of administrative	•	•
13	dissolution	no fee	
14	(17) Application for reinstatement		
15	following administrative		
16	dissolution	\$30	
17	(18) Certificate of reinstatement	no fee	l
18	(19) Certificate of judicial dissolution	no fee	
19	(20) Application for certificate of		
20	authority	\$30	
21	(21) Application for amended certification	ate	
22	of authority	\$30	
23	(22) Application for certificate of		
24	withdrawal	\$30	
25	(23) Certificate of revocation of		
26	authority to transact business	no fee	
27	(24) Annual report filed in writing,		١
28	including a facsimile	\$10	1
29	(25) Annual report filed by electronic	medium \$ 5	
30	(26) Certificate of existence	\$15	
31	(27) Any other document required or		
32	permitted to be filed by this		
33	article	\$30	
34	(b) The secretary of state shall collect a fee	e of ten dollars (\$10) upon	
35	being served with process under this article.	The party to a proceeding	
36	causing service of process may recover the	fee paid the secretary of	
37	state as costs if the party prevails in the pro-	ceeding.	
38	(c) The secretary of state shall collect the	following fees for copying	
39	and certifying the copy of any filed documen		
40	foreign corporation:		
41	(1) One dollar (\$1) a page for copying.		
42	(2) Fifteen dollars (\$15) for the certific		





1	(d) If the document described in subsection (a)(1) or (a)(20) is	
2	filed by electronic means as prescribed by the secretary of state,	
3	the secretary of state shall collect a filing fee of twenty dollars	
4	(\$20).	
5	SECTION 6. IC 23-18-12-3 IS AMENDED TO READ AS	
6	FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3. (a) Except as	
7	provided in subsection (e), the secretary of state shall collect the	
8	following fees when the documents described in this section are	
9	delivered for filing:	
10	Document Fee	
11	(1) Articles of organization\$90	
12	(2) Application for use of	
13	indistinguishable name\$20	
14	(3) Application for reservation of name	
15	(4) Application for renewal of	
16	reservation	
17	(5) Notice of transfer or cancellation	
18	of reservation	
19	(6) Application of registered name \$30	
20	(7) Application for renewal of registered name \$30	
21	(8) Certificate of change of registered	
22	agent's business address No Fee	
23	(9) Certificate of resignation of	
24	agent No Fee	_
25	(10) Articles of amendment\$30	
26	(11) Restatement of articles of	
27	organization\$30	
28	(12) Articles of dissolution\$30	y
29	(13) Application for certificate of	
30	authority	
31	(14) Application for amended	
32	certificate of authority	
33	(15) Application for certificate of	
34	withdrawal	
35	(16) Application for reinstatement	
36	following administrative dissolution	
37	(17) Articles of correction	
38	(18) Certificate of change of	
39	registered agent	
40	(19) Application for certificate of	
41	existence or authorization\$15	
42	(20) Biennial report filed in writing,	





1	including by facsimile\$30	
2	(21) Biennial report filed by electronic medium \$20	
3	(22) Articles of merger involving a	
4	domestic limited liability company \$90	
5	(23) Any other document required or	
6	permitted to be filed under this article\$30	
7	(b) The fee set forth in subsection (a)(20) for filing a biennial report	
8	is fifteen dollars (\$15) per year, to be paid biennially.	
9	(c) The secretary of state shall collect a fee of \$10 each time process	
0	is served on the secretary of state under this article. If the party to a	
1	proceeding causing service of process prevails in the proceeding, that	
2	party is entitled to recover this fee as costs from the nonprevailing	
3	party.	
4	(d) The secretary of state shall collect the following fees for copying	
5	and certifying the copy of any filed documents relating to a domestic	
6	or foreign limited liability company:	
7	(1) One dollar (\$1) per page for copying.	U
8	(2) Fifteen dollars (\$15) for certification stamp.	
9	(e) If the document described in subsection (a)(1) or (a)(13) is	
20	filed by electronic means as prescribed by the secretary of state,	
21	the secretary of state shall collect a filing fee of seventy-five dollars	
22	(\$75).	
23	SECTION 7. An emergency is declared for this act.	
		_
		Y



COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 553, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 3, line 28, delete ":".

Page 3, line 29, delete "(1)".

Page 3, line 29, delete "; and" and insert ".".

Page 3, run in lines 28 through 29.

Page 3, delete lines 30 through 32.

Page 4, line 29, delete ":".

Page 4, line 30, delete "(A)".

Page 4, line 30, delete "; and" and insert ".".

Page 4, run in lines 29 through 30.

Page 4, delete lines 31 through 35.

Page 6, line 10, delete ":".

Page 6, line 11, delete "(A)".

Page 6, line 11, delete "; and" and insert ".".

Page 6, run in lines 10 through 11.

Page 6, delete lines 12 through 16.

Page 7, line 38, delete ":".

Page 7, line 39, delete "(1)".

Page 7, line 39, delete "; and" and insert ".".

Page 7, run in lines 38 through 39.

Page 7, delete lines 40 through 42.

Page 9, line 21, delete ":".

Page 9, line 22, delete "(1)".

Page 9, line 22, delete "; and" and insert ".".

Page 9, run in lines 21 through 22.

Page 9, delete lines 23 through 25.

Page 10, line 42, delete ":".

Page 11, line 1, delete "(1)".

Page 11, line 1, delete "; and" and insert ".".

Run in page 10, line 42, through page 11, line 1.

Page 11, delete lines 2 through 4.

and when so amended that said bill do pass.

(Reference is to SB 553 as introduced.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 11, Nays 0.

ES 553—LS 7740/DI 114+



COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred Senate Bill 553, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

RESKE, Chair

Committee Vote: yeas 9, nays 0.







y

